

Approved 4/18/2011

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
April 4, 2011**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 5, 2011. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Thomas Bremner-present, Mr. Jeff Donahue-present, Mr. Joshua E. Hochberg-present, Ms. Julia Hasser-present Mr. Mark Pausch-present, Mr. Robert Steen-present

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock, Borough Engineer William Tanner

MAYOR'S COMMENTS

-Mayor Zimmerman informed the Council that there have been dramatic changes to the Legislative District #16, which Rocky Hill is a part of.

-Mayor Zimmerman stated there was an article in the Courier News regarding the Rescue Squad and the actions that the Governing Body had taken, as well as an article in the Asbury Park Press mentioning Rocky Hill regarding the Council on Local Mandates.

Resolution 2011-34 Thanking Schilke Construction

Mayor Zimmerman asked Duane and Paige Pongrazzi to come forward as he read the resolution thanking Schilke Construction for the use of their equipment and thanking Duane & Paige Pongrazzi for their time going to pick up the World Trade Center Artifact in New York for the Borough.

Motion was made by Hasser to approve the resolution as read by Mayor Zimmerman. Motion was seconded by Donahue. Motion carried on roll call vote – all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

APPROVAL OF MINUTES

March 21, 2011 Regular Meeting Minutes –Motion was made by Bremner to approve the minutes as presented. Motion was seconded by Hasser. Motion carried on roll call vote – all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)

New Business- Rocky Hill Community Group & Recreation Committee

Unfinished Business-Budget for Historic Preservation Celebration

Unfinished Business-Tax Revaluation

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PUBLIC COMMENT

The floor was opened to the public for comments/questions.

Courtney White, 49 Washington Street- Mrs. White stated that in preparation for the July 4th celebration, she has met with Chief Harris and determined the date will be July 2, 2011. Mrs. White also asked what should be done about the presence of the rescue squad at the event. Mayor Zimmerman advised her that there would be an update on the pending issues regarding the rescue squad later during the meeting.

Hearing no further questions, the floor was closed to the public.

STATE POLICE REPORT

Council President Pausch summarized State Police reports for the months of February and March. Copies of reports are on file in the office of the Borough Clerk.

ENGINEER'S REPORT

Engineer Tanner distributed the Engineering report for the month of April 2011. The following items were discussed:

Contracts: Engineer Tanner stated that the final payment for the road improvements to Hickory Court and the 2009 sidewalk improvements contract for Washington St. have been received.

Montgomery Avenue Resurfacing: Engineer Tanner stated that there would be a preconstruction meeting later in the month to discuss the project. Engineer Tanner expected the improvements to begin in late April.

Water Tower Cell Antennas: Engineer Tanner stated he still has not received reports from several of the carriers on the tower regarding the rust issues.

Lawn Contract: Engineer Tanner stated it is time to revisit the lawn maintenance contract. Engineer Tanner suggested the Borough could extend the current contracts if the contractor was willing to keep the same rates as last year.

Motion was made by Donahue with a second by Hasser to extend the lawn maintenance contracts to G & T and VanNostrand for an additional year if the contractors were willing to keep the same rate. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

Council Member Bremner asked if Engineer Tanner could suggest an alternative to having pot holes patched permanently, as there are several on Montgomery Ave, that need attention, however the street would be repaved in a few weeks. Engineer Tanner agreed that spending money to have the County repair the potholes would be wasteful, and he suggested Council Member Bremner purchase cold patch from a local home improvement store to fill the holes for the time being.

Council Member Hasser inquired about the potholes in front of Bank of America on Washington Street, as they are almost impassable. Engineer Tanner stated he would look at them, however, he believed they were in the County Road.

Council Member Hochberg asked about the curbing that is disintegrating on Princeton Avenue. Engineer Tanner responded he would look at them and come up with an estimate to repair them.

Mayor Zimmerman stated that there has been a request to place a curb on Toth to divert the water down hill. Engineer Tanner stated he would look into that as well.

PUBLIC COMMENT

The floor was opened to the public for comments/questions.

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Brad Bradhering, 101 Washington Street- Mr. Bradhering asked about the sidewalks on Washington that were not replaced. Mayor Zimmerman stated that the Borough budgets money yearly to replace sections of sidewalks in need of repair.

CHIEF FINANCIAL OFFICER'S REPORT

No report at this time.

APPROVAL OF VOUCHERS

Bill List dated 4/4/2011

Motion was made by Donahue to approve the vouchers as presented with the exception of voucher #6444. Motion seconded by Hasser. Motion carried on roll call vote – all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

Motion was made by Hasser to approve voucher #6444. Motion was seconded by Hochberg. Motion carried on roll call vote- all ayes.

For: Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: Bremner

SPECIAL BUSINESS

Presentation of the Montgomery Township School Budget- Earl Kim and Thomas Venanzi presented the School Budget to the Council and members of the public. Mr. Kim stated that their spending is down, enrollment is stable however, Rocky Hill will still see an increase in taxes by approximately \$168.00 per household. Mr. Kim went on to explain that the cuts the district were faced to make last year created a fiscal instability. Mr. Kim stated that the Governor has allocated \$700,000.00 over what was received last year. Mr. Kim stated that the teachers have given back \$860,000.00 toward the budget, as well as are contributing to health insurance. Council Member Hasser asked for clarification on the health insurance contributions, to which Mr. Kim replied they are willing to contribute 1 1/2% next year, but they currently are not contributing now. Mr. Kim was also asked to clarify the \$860,000.00 that was given back by the teachers. Mr. Kim stated the teachers agreed to less of a raise this year, so there was a decrease of \$860,000.00. Mayor Zimmerman asked about the status of the lawsuit and if additional funds were received, based on the outcome of the litigation, would these funds reduce the tax increase. Mr. Kim responded he hoped not, that the funds could remain in surplus where they were taken from to financially stabilize the district. Mr. Kim went on to say that the curriculum standards are not up to where they need to be, so they are concentrating on Math and Language Arts at this point. Mr. Kim stated other areas of concern are the class sizes, which have increased by 10% and technology, as the ratio of computers to children is 9-1 in the elementary schools. Council President Pausch inquired as to what the class sizes were currently and if there is a number that is preferred. Mr. Kim stated the current class sizes are K-2nd grade 20-22 children, 3rd to 6th grade 25-26 per class and the preferred number is around 18. Council Member Hasser asked if the district has considered paying 100% of the employees benefits, but not covering the family portions instead of just a straight 1 1/2 %, as it would equalize the pay scale for the teachers as well as amount to larger savings potentially.

Mayor Zimmerman opened the floor to the public to ask questions related to the school budget.

William Hallman, 26 Montgomery Ave.- Mr. Hallman inquired about the per pupil cost in Rocky Hill being higher than in Montgomery. Mayor Zimmerman responded that this was still an issue and it would have to be changed legislatively. Mayor Zimmerman stated that the Montgomery Board of Education was very supportive of equalizing this issue. Mr. Hallman asked Mr. Kim as a follow up, since there is still an issue with the per pupil formulation, would the Board consider waiving the parking and sports fees for Rocky Hill residents. Mr. Kim responded he would check into that.

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Attorney Cruz asked Mr. Kim specifically with whom and when would he inquire about the waiver of those fees. Mr. Kim stated it would be discussed at the next Board meeting. Mr. Kim commented the waiving of fees would decrease revenue; therefore it will cause a decrease in spending elsewhere. Mr. Kim thanked everyone for their time and asked for the Boroughs support of their budget.

Hearing no further questions/concerns the floor was closed to the public.

Student Election- Mayor Zimmerman informed the Council that he had been contacted regarding a mock election for students, which is staffed by the PTO and teachers. This election will be held simultaneously with the school board election on April 27, 2011. Mayor Zimmerman stated it was approved by the County. Mayor Zimmerman stated he supported the effort to enroll kids in the voting process however; he was reluctant during a school board election. Mr. Krill was not present at the meeting to inform the Council so it was agreed to be discussed at the following meeting.

UNFINISHED BUSINESS

Site Line Issue- Mayor Zimmerman inquired about the status of the site line issue on the corner of Montgomery and Washington. Engineer Tanner stated the County was handling the issues. Council Member Hasser stated that Kevin Walters from Somerset County is working with the attorney who is representing the property owner.

Update on the Rocky Hill Rescue Squad- Mayor Zimmerman stated that several things have happened since the last meeting. Mayor Zimmerman stated that he has been working to ensure that Montgomery's EMS is covered for workman's compensation insurance, which they are through their own policy. Mayor Zimmerman stated there was a meeting between Mr. Setnicky, Council President Pausch, Council Member Hochberg and himself that went very well. Mayor Zimmerman stated that Carolyn Davis ensured the Borough that all of the items of concern, the swift water boat, ambulance, etc, were all safe and protected. Mayor Zimmerman informed the Council there was a meeting between Bob Ashbaugh, Carolyn Davis, himself, Captain Seeley, Council President Pausch and Council Member Hochberg. Mayor Zimmerman stated the meeting was heated. Mayor Zimmerman informed the Council that both operational officers, Mr. Seeley and Mr. Gandino have resigned. Mayor Zimmerman thanked both of them for their service and expressed his gratitude for this block being cleared and for the rebuilding efforts to begin. Mayor Zimmerman stated that in the next few days and weeks, he would like to pull everyone together and figure out the best way to rebuild the rescue squad. Mayor Zimmerman felt several people would return to the squad as volunteers again. Mayor Zimmerman stated that the rescue squad has the support of Council in anyway necessary to help rebuild them.

Mayor Zimmerman stated that Montgomery Twsp. EMS has been phenomenal. Mayor Zimmerman extended his appreciation to the squad for stepping in at a time when the Borough was in need. Mayor Zimmerman asked that the Council agree to donate \$5,000.00 to the Montgomery Township Rescue Squad from the \$20,000.00 that is set aside from last year's appropriation for the Rocky Hill Rescue Squad. Mayor Zimmerman stated that they have covered the Borough for roughly 90 days and that is the amount of aid the Borough would have given to the Rocky Hill squad for that time period. Council Member Bremner inquired if the donation would negatively impact the rebuilding of the Rocky Hill Squad. Robert Ashbaugh treasurer of the squad stated it would not. Council Member Steen asked if the donation could be used toward a specific cost. The Montgomery EMS stated there were concerns over fuel being used, so it was determined the monies would be used to offset the costs of the additional fuel. Motion was made by Steen with a second by Hochberg to donate \$5,000.00 to the Montgomery Township EMS. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

Mayor Zimmerman stated Chief Harris of the Rocky Hill Fire Department asked for additional funding toward some dry suits, since they are now covering the rescue efforts on behalf of the rescue squad. Mayor Zimmerman asked that \$1,500.00 be taken from the rescue squad appropriations to purchase additional equipment. Robert Ashbaugh, treasurer stated that he objected to that, as the fire department has several

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suits that can be utilized. Mayor Zimmerman tabled the funding discussion until Chief Harris can comment on the necessity.

Preservation Design Guidelines Grant

Mayor Zimmerman informed the Council that in 2003 the planning board chair applied for a grant & was approved for the grant. Several years went by and the grant work was never completed. At the same time the Borough received a separate historic grant, which was utilized to create the tri-fold pamphlet that is in Borough Hall. Mayor Zimmerman stated that it was brought to their attention by the County Planning Board that the grant requirement was never fulfilled. Deputy Clerk Whitlock stated that there was a great deal of confusion, as the Borough thought the work had been completed with the tri-fold. Upon Deputy Clerk Whitlock sending the tri-fold to the County, it was determined there were two grants obtained, and one in fact was not completed. Mayor Zimmerman informed the Council the monies are set aside to be utilized. Mayor Zimmerman also stated he met with the several members of the County planning board to discuss the grant and they have held an informal work session to approve the direction the Borough would like to move in utilizing the funds. Mayor Zimmerman stated that Dr. Hallman is going to write a proposal that would create a website for the Historic District allowing people to research the style and historical significance of their home, allowing them to preserve important architectural features with historic relevance. Dr. Hallman commented that he would utilize Google maps and have hyper links to relevant websites, rather than a book that is printed once and becomes outdated. Dr. Hallman stated that the grant requires a match, but it can be in-kind, for example with time put forth on the creation and implementation of the site. Mayor Zimmerman and Dr. Hallman agreed to plan the proposal and submit it the County Planning Board to obtain their official approval.

Tax Revaluation

Council Member Steen stated that Appraisal Systems has completed their revaluation and the deadline for tax appeals is extended to May 1st, 2011.

Historic Preservation Celebration Budget

Council Member Hasser submitted a budget to the Council from the group organizing the celebration. Council Member Hasser stated the group is looking for an additional \$500.00 to be appropriated. Council Member Hasser stated that she needed to clarify if the funds are outright or if they are a match of some kind. Council President Pausch stated he was concerned that they asked them to show the in kind donations they have obtained to match the \$1,000.00 from the Borough and now they are asking for additional funding, as they cannot fund raise. Mayor Zimmerman felt the group of individuals are capable of fund raising, as several of the members were able to fund raise \$25,000.00 to sue the Borough in past years. Council Member Steen inquired as to where the Borough could obtain an additional \$500.00 to appropriate. Council Member Hasser stated it could come from the recreation line item, as that is where other celebration's funding comes from. A discussion ensued regarding the additional donation. Council Member Hasser expressed her frustration with this request as she feels it will deter people from volunteering in town and trying to organize community events. Council Member Hasser made a motion to appropriate \$1,500.00 to be utilized for the Rocky Hill Historic Preservation Celebration. Donahue seconded motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hasser, Hochberg, Steen

Against: Pausch

Abstain: None

NEW BUSINESS

Preservation Grant for Borough Hall

Council Member Bremner informed the Council that he has been researching a grant to restore the Borough Hall. Council Member Bremner stated it is a multi year process and the beginning stage is to obtain a historic preservation architect to compile a plan. Council Member Bremner stated there would be an easement placed on the property, and a restriction that the use cannot be changed for 15 years. Council Member Bremner stated he estimated the costs to be around \$100.00 to compile the necessary documents to apply for the grant and the deadline is 4/29/11. Council Member Bremner asked if a resolution could be drafted for approval at the next meeting to apply for the grant. Council Bremner also stated that he

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supported the resolve of the 2003 grant, as the utilization of prior grants could impact the Boroughs ability to obtain future grants.

Rocky Hill Community Group & Recreation Committee

Council Member Hasser stated that she followed up on both of the celebrations for July 4th and for the 9/11 Memorial. Council Member Hasser asked for clarification as to who runs the events. As a resident, Council Member Hasser thought it was done by the recreation committee, however she has learned that is not the case. Clarification was made as to what events each group in the past has covered. Attorney Cruz opined that if the events are running well there should be no need to change things. Courtney White, on behalf of the Community Group stated it had not changed until 2 years ago. In prior years the Borough gave funding to the group and they made necessary purchases themselves. Attorney Cruz stated he would look into using Governmental funds for private events.

FINAL PUBLIC COMMENT

Peggy Harris, 66 Crescent-Ms. Harris stated that she agreed with Council Member Hasser regarding the funding for the Historic District Celebration. Ms. Harris expressed her upset regarding the fundraising comment, and stated she felt this celebration was very important as the creation of the district saved Rocky Hill from having a 4-lane highway through it.

Hearing no further comments the floor was closed to the public.

COMMUNICATIONS

Communications as listed were filed and disseminated. Copies are on file in the office of the Borough Clerk.

Executive Session- Resolution 2011-35 – Resolution to Retire into Executive Session (9:58PM)

Acting Borough Clerk read the resolution in full. Motion was made by Donahue to retire into executive session. Motion was seconded by Steen. Motion carried on voice vote- all ayes.

ADJORNMENT

Motion was made by Donahue with a second by Steen to adjourn the meeting at 10:42 PM. All voted in favor of adjournment.

Respectfully Submitted:

Rebecca P. Newman
Acting Borough Clerk

BOROUGH OF ROCKY HILL
COUNTY OF SOMERSET

Resolution 2011-34

WHEREAS, Schilke Construction donated the use of their truck and trailer to transport a beam from John F. Kennedy airport in New York, and transport it into the Borough of Rocky Hill on Thursday March 10, 2011, and

WHEREAS, Duane Pongrazzi drove the truck that transported the beam, and

WHEREAS, Paige Pongrazzi rode along in the vehicle to assist with the transport; and

WHEREAS, Schilke Construction also donated the use of a backhoe to unload the beam once it arrived in Rocky Hill, and

WHEREAS, Douglas Schilke, owner of Schilke Construction Company Inc, donated his time to operate the backhoe;

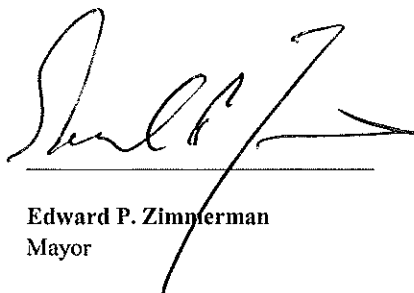
NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Rocky Hill does express its sincere and heartfelt gratitude to Schilke Construction Company Inc., to Douglas Schilke, Duane Pongrazzi and Paige Pongrazzi for their time and effort involved in this significant project.

THEREFORE BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of the meeting of the Borough Council of the Borough of Rocky Hill as an expression of its gratitude for Schilke Construction, Douglas Schilke, Duane Pongrazzi and Paige Pongrazzi for its appreciation for their time and service.

SO RESOLVED this the 4th day of April 2011.



Rebecca P. Newman
Acting Borough Clerk



Edward P. Zimmerman
Mayor

**List of Bills - (0110101001) CASH
CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
6431	71 - DIFRANCESCO BATEMAN PC	PO 3216 legal services february 2011	1,455.00	1,455.00
6432	72 - DUO BLDG MAINTENANCE	PO 3224 april 2011 borough hall cleaning	185.00	185.00
6433	178 - NATL BD OF HEALTH ASSOC.	PO 3218 2011 dues	120.00	120.00
6434	247 - SOMERSET COUNTY TREASURER	PO 3213 health fees march 2011	955.08	955.08
6435	247 - SOMERSET COUNTY TREASURER	PO 3215 pothole repair borough streets	173.51	173.51
6436	247 - SOMERSET COUNTY TREASURER	PO 3219 road salting 3-25-2011	710.63	710.63
6437	247 - SOMERSET COUNTY TREASURER	PO 3220 road salting 2-5-2011	293.01	293.01
6438	247 - SOMERSET COUNTY TREASURER	PO 3223 february 2011 health fees	955.08	955.08
6439	247 - SOMERSET COUNTY TREASURER	PO 3226 pothole repair	113.70	113.70
6440	251 - SOUTH BOUND BROOK BOROUGH	PO 3217 police services february 2011 & 50%	4,174.82	4,174.82
6441	252 - SOUTH BRUNSWICK TOWNSHIP	PO 3221 animal control services 2010	1,236.41	1,236.41
6442	253 - SPRINT COMMUNICATIONS	PO 3225 mayor & clerk's blackberries	175.59	175.59
6443	259 - NEW JERSEY STATE TREASURER	PO 3222 stormwater mgt fee 2011	500.00	500.00
6444	471 - THOMAS BREMNER	PO 3214 building supplies & grant CD	84.14	84.14
6445	289 - VERIZON	PO 3211 emergency services phone	61.34	61.34
6446	289 - VERIZON	PO 3212 boro telephone	196.30	196.30
				196.30
	TOTAL			11,389.61

Total to be paid from Fund 01 CURRENT FUND

11,389.61

11,389.61

List of Bills - (0810101001) CASH
UTILITY OPERATING

Check#	Vendor	Description	Payment	Check Total
5973	447 - HACH CO. C/O NORTHEAST TECH SALES	PO 2628 sewer meter along princeton ave	995.00	995.00
5974	472 - HD SUPPLY WATERWORKS	PO 3228 I W350 3 EGR chamber	635.00	635.00
5975	450 - ONE CALL CONCEPTS INC	PO 3227 january 2011 one calls	3.21	3.21
5976	289 - VERIZON	PO 3229 water dept phone	28.84	28.84
TOTAL				1,662.05

Total to be paid from Fund 08 UTILITY OPERATING

1,662.05

1,662.05

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

RESOLUTION 2011- 35

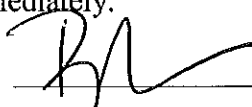
WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action on the executive Session of April 4th, 2011
2. The general nature of the subject matter to be discussed is as follows: -
Contract Negotiations: Montgomery Township Van Horne Park Maintenance Agreement
Contract Negotiations: Township of Montgomery: Sewer Agreement
3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.



Rebecca P. Newman
Acting Borough Clerk

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk, of the Borough of Rocky Hill, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a regular meeting of said Council held on April 4th, 2011.

Rebecca P. Newman
Acting Borough Clerk